

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
OCT 07 2016
Clerk, U.S. District Court
District Of Montana
Missoula

CLIFFORD D. OLD-HORN,

CV 16-99-M-DLC-JCL

Plaintiff,

ORDER

vs.

STATE OF MONTANA,
DETECTIVE MIKE SARGEANT,
DETECTIVE JAY DOYLE, and
COUNTY ATTORNEY MITCH
YOUNG,

Defendants.

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on August 30, 2016, recommending dismissal of Defendant State of Montana from this suit. The parties failed to timely object to the Findings and Recommendation, and so waived their right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

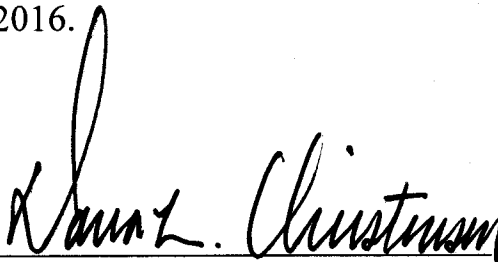
Having reviewed the Findings and Recommendation, the Court agrees with Judge Lynch that the State of Montana should be dismissed from this case due its immunity from suit under the Eleventh Amendment.

There being no clear error in Judge Lynch's Findings and Recommendation, IT IS ORDERED that:

(1) Judge Lynch's Findings and Recommendation (Doc. 4) are ADOPTED IN FULL.

(2) Defendant State of Montana is DISMISSED from this case.

Dated this 7th day of October, 2016.


Dana L. Christensen, Chief Judge
United States District Court